

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

OUR OWN CANDLE COMPANY, INC., on behalf  
of itself and all others similarly situated,

*Plaintiff,*

v.

GIVAUDAN S.A.; GIVAUDAN FRAGRANCES  
CORPORATION; GIVAUDAN FLAVORS  
CORPORATION; UNGERER & COMPANY, INC.;  
INTERNATIONAL FLAVORS & FRAGRANCES  
INC.; SYMRISE AG; SYMRISE INC.; SYMRISE  
US LLC; FIRMENICH INTERNATIONAL S.A.;  
FIRMENICH INCORPORATED; and AGILEX  
FLAVORS & FRAGRANCES, INC.,

*Defendants.*

Civil Action No.: 23-02174(WJM)(JSA)

**STIPULATION and  
ORDER**

CANDLE SHOPPE OF THE POCONOS, INC., on  
behalf of itself and all others similarly situated,

*Plaintiff,*

v.

GIVAUDAN S.A.; GIVAUDAN FRAGRANCES  
CORPORATION; GIVAUDAN FLAVORS  
CORPORATION; UNGERER & COMPANY, INC.;  
INTERNATIONAL FLAVORS & FRAGRANCES  
INC.; SYMRISE AG; SYMRISE INC.; SYMRISE  
US LLC; FIRMENICH INTERNATIONAL S.A.;  
FIRMENICH INCORPORATED; and AGILEX  
FLAVORS & FRAGRANCES, INC.,

*Defendants.*

Civil Action No. 23-03049(WJM)(JSA)

[Caption continued on the next page.]

B & E ASSOCIATES, INC., on behalf of itself and all others similarly situated,

*Plaintiff,*

v.

FIRMENICH SA, FIRMENICH INCORPORATED, AGILEX FLAVORS & FRAGRANCES, INC., GIVAUDAN SA, GIVAUDAN FRAGRANCES CORPORATION, GIVAUDAN ROURE (UNITED STATES) INC., UNGERER & COMPANY, INC., CUSTOM ESSENCE INCORPORATED, INTERNATIONAL FLAVOR & FRAGRANCE INC., SYMRISE AG, and SYMRISE INC.

*Defendants.*

Civil Action No. 23-03050(WJM)(JSA)

DEMETER F.L., INC., on behalf of itself and all others similarly situated,

*Plaintiff,*

v.

INTERNATIONAL FLAVORS & FRAGRANCES INC., GIVAUDAN SA, GIVAUDAN FRAGRANCES CORP., DSM-FIRMENICH AG, FIRMENICH INTERNATIONAL SA, FIRMENICH INC., SYMRISE AG, and SYMRISE INC.,

*Defendants.*

Civil Action No. 23-03265(WJM)(JSA)

HANNA'S CANDLE COMPANY, on behalf of itself and all others similarly situated,

*Plaintiff,*

v.

INTERNATIONAL FLAVORS & FRAGRANCES INC., GIVAUDAN SA, GIVAUDAN FRAGRANCES CORP., DSM-FIRMENICH AG, FIRMENICH INTERNATIONAL SA, FIRMENICH INC., SYMRISE AG, and SYMRISE INC.,

*Defendants.*

Civil Action No. 23-03266(WJM)(JSA)

[Caption continued on the next page.]

COSPRO DEVELOPMENT CORP., on behalf of  
itself and all others similarly situated,

*Plaintiff,*

v.

INTERNATIONAL FLAVORS & FRAGRANCES  
INC., GIVAUDAN SA, GIVAUDAN  
FRAGRANCES CORP., DSM-FIRMENICH AG,  
FIRMENICH INTERNATIONAL SA, FIRMENICH  
INC., AGILEX FLAVORS & FRAGRANCES, INC.,  
SYMRIS AG, and SYMRIS INC.,

*Defendants.*

Civil Action No. 23-03368(WJM)(JSA)

CRIMSON CANDLE SUPPLIES LLC, on behalf of  
itself and all others similarly situated,

*Plaintiff,*

v.

DSM-FIRMENICH AG, FIRMENICH  
INTERNATIONAL SA, FIRMENICH INC.,  
AGILEX FLAVORS & FRAGRANCES, INC.,  
GIVAUDAN SA, GIVAUDAN FRAGRANCES  
CORP., GIVAUDAN FLAVORS CORP.,  
UNGERER & COMPANY, INC., CUSTOM  
ESSENCE INC., INTERNATIONAL FLAVORS &  
FRAGRANCES INC., SYMRIS AG, SYMRIS  
INC., and SYMRIS US LLC

*Defendants.*

Civil Action No. 23-03875(WJM)(JSA)

[Caption continued on the next page.]

YOSH HAN,

*Plaintiff,*

v.

INTERNATIONAL FLAVORS & FRAGRANCES,  
INC.; GIVAUDAN SA; GIVAUDAN  
FRAGRANCES CORPORATION; GIVAUDAN  
FLAVORS CORPORATION; GIVAUDAN ROURE  
(UNITED STATES) INC.; UNGERER &  
COMPANY INC.; CUSTOM ESSENCE INC.;  
SYMRISE AG; SYMRISE INC.; SYMRISE US  
LLC; DSM-FIRMENICH AG; FIRMENICH INC.;  
and AGILEX FLAVORS & FRAGRANCES, INC.,

*Defendants.*

Civil Action No. 23-04147(WJM)(JSA)

MSNY, INC., on behalf of itself and all others  
similarly situated,

*Plaintiff,*

v.

DSM-FIRMENICH AG, FIRMENICH  
INTERNATIONAL SA, FIRMENICH INC.,  
AGILEX FLAVORS & FRAGRANCES, INC.,  
GIVAUDAN SA, GIVAUDAN FRAGRANCES  
CORP., GIVAUDAN FLAVORS CORP.,  
UNGERER & COMPANY, INC., CUSTOM  
ESSENCE LLC, INTERNATIONAL FLAVORS &  
FRAGRANCES INC., SYMRISE AG, SYMRISE  
INC., AND SYMRISE US LLC,

*Defendants.*

Civil Action No. 23-20972(WJM)(JSA)

IT IS HEREBY STIPULATED AND AGREED by and among Plaintiffs Our Own Candle Company, Inc. (“Candle Co.”), Candle Shoppe of the Poconos, Inc. (“Candle Shoppe”), B & E Associates, Inc. (“B&E”), Demeter F.L., Inc. (“Demeter”), Hanna’s Candle Company (“Hanna’s”), Cospro Development Corp. (“Cospro”), Crimson Candle Supplies LLC (“Crimson Candle”), Yosh Han (“Han”), and MSNY, Inc. (“MSNY” and, collectively, “Plaintiffs”) and Defendants Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Givaudan Roure (United States) Inc., Ungerer & Company, Custom Essence LLC,<sup>1</sup> Symrise, Inc., Symrise US LLC, Firmenich Incorporated, Agilex Flavors & Fragrances Inc., and International Flavors & Fragrances Inc. (the “Stipulating Defendants”) (collectively, Plaintiffs and Stipulating Defendants are the “Parties”), subject to the reservation of rights contained in paragraph 8 below, as follows:

WHEREAS, on April 18, 2023, Candle Co. filed a putative class action complaint against Defendants Givaudan SA, Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, Inc., International Flavors & Fragrances Inc., Symrise AG, Symrise Inc., Symrise US LLC, Firmenich International S.A., Firmenich Incorporated, and Agilex Flavors & Fragrances Inc. alleging that they had conspired to fix prices of certain fragrance products in violation of Section 1 of the Sherman Act;

WHEREAS, on June 2, 2023, Candle Shoppe filed a putative class action complaint against Defendants Givaudan SA, Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, Inc., International Flavors & Fragrances Inc., Symrise AG, Symrise Inc., Symrise US LLC, Firmenich International S.A., Firmenich Incorporated, and Agilex Flavors &

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<sup>1</sup> B&E, Crimson Candle, and Han named “Custom Essence Incorporated” as a Defendant in their complaints, but the correct entity name is Custom Essence LLC. For purposes of this Stipulation, the Parties have retained the references to “Custom Essence Incorporated” in connection with those three earlier-filed complaints.

Fragrances Inc. alleging that they had conspired to fix prices of certain fragrance products in violation of Section 1 of the Sherman Act;

WHEREAS, on June 2, 2023, B&E filed a putative class action against Defendants Firmenich SA, Firmenich Incorporated, Agilex Flavors & Fragrances Inc., Givaudan SA, Givaudan Fragrances Corporation, Givaudan Roure (United States) Inc., Ungerer & Company, Inc., Custom Essence Incorporated, International Flavor & Fragrance Inc., Symrise AG, and Symrise Inc. alleging that they had conspired to fix prices of certain fragrance products in violation of Section 1 of the Sherman Act;

WHEREAS, on June 14, 2023, Demeter filed a putative class action against Defendants International Flavors & Fragrances Inc., Givaudan SA, Givaudan Fragrances Corporation, DSM-Firmenich AG, Firmenich International SA, Firmenich Incorporated, Symrise AG, and Symrise Inc. alleging that they had conspired to fix prices of certain fragrance products in violation of Section 1 of the Sherman Act;

WHEREAS, on June 14, 2023, Hanna's filed a putative class action against Defendants International Flavors & Fragrances Inc., Givaudan SA, Givaudan Fragrances Corporation, DSM-Firmenich AG, Firmenich International SA, Firmenich Incorporated, Symrise AG, and Symrise Inc. alleging that they had conspired to fix prices of certain fragrance products in violation of Section 1 of the Sherman Act;

WHEREAS, on June 20, 2023, Cospro filed a putative class action against Defendants International Flavors & Fragrances Inc., Givaudan SA, Givaudan Fragrances Corporation, DSM-Firmenich AG, Firmenich International SA, Firmenich Incorporated, Agilex Flavors & Fragrances Inc., Symrise AG, and Symrise Inc. alleging that they had conspired to fix prices of certain fragrance products in violation of Section 1 of the Sherman Act;

WHEREAS, on July 20, 2023, Crimson Candle filed a putative class action against Defendants DSM-Firmenich AG, Firmenich International SA, Firmenich Incorporated, Agilex Flavors & Fragrances Inc., Givaudan SA, Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, Inc., Custom Essence Inc., International Flavors & Fragrances Inc., Symrise AG, Symrise Inc., and Symrise US LLC, alleging that they had conspired to inflate the prices of fragrances products, including by allocating products and customers in violation of Section 1 of the Sherman Act;

WHEREAS, on August 2, 2023, Han filed a putative class action against Defendants International Flavors & Fragrances Inc., Givaudan SA, Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Givaudan Roure (United States) Inc., Ungerer & Company Inc., Custom Essence Inc., Symrise AG, Symrise Inc., Symrise US LLC, DSM-Firmenich AG, Firmenich Incorporated, and Agilex Flavors & Fragrances Inc., alleging that they had conspired to fix prices of certain fragrance products in violation of Section 1 of the Sherman Act;

WHEREAS, on October 6, 2023, MSNY filed a putative class action against Defendants DSM-Firmenich AG, Firmenich International SA, Firmenich Incorporated, Agilex Flavors & Fragrances Inc., Givaudan SA, Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, Inc., Custom Essence LLC, International Flavors & Fragrances Inc., Symrise AG, Symrise Inc., and Symrise US LLC alleging that they had conspired to inflate the prices of fragrances products, including by allocating products and customers in violation of Section 1 of the Sherman Act;

WHEREAS, all nine of the above-captioned actions (the “Actions”) seek to represent a class of direct purchasers<sup>2</sup> of fragrance products and present substantially similar questions of fact and law, such that consolidation under Rule 42 of the Federal Rules of Civil Procedure and Local Rule 42.1 will serve the Court, the Parties, and the interests of justice by maximizing efficiency, minimizing redundancies, and eliminating the threat of inconsistent rulings;

WHEREAS, certain Plaintiffs and certain Stipulating Defendants previously agreed to consolidate certain cases and suspend those Defendants’ time to respond to the complaints (*Candle Co.*, 23-02174(WJM)(JSA) at ECF Nos. 6, 12, and 43-1; *Crimson Candle*, 23-03875(WJM)(JSA) at ECF No. 26-1; and *MSNY*, 23-20972(WJM)(JSA) at ECF No. 4-1 (these ECF Nos. are collectively referred to as the “Timing Stipulations”)); and

NOW THEREFORE, the Parties through their respective counsel and subject to the Court’s approval hereby stipulate and agree that:

1. Pursuant to Fed. R. Civ. P. 42(a), the above-captioned Actions, Civil Actions 23-02174(WJM)(JSA); 23-03049(WJM)(JSA); 23-03050(WJM)(JSA); 23-03265(WJM)(JSA); 23-03266(WJM)(JSA); 23-03368(WJM)(JSA); 23-03875(WJM)(JSA); 23-04147(WJM)(JSA); and 23-20972(WJM)(JSA) are hereby consolidated for all purposes.

2. The Clerk shall establish a Docket for the Actions under Civil Action No.

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<sup>2</sup> Two actions (the “Indirect Purchaser Actions”) were filed in June 2023 similarly alleging an anticompetitive conspiracy in the fragrances industry, but seeking to represent indirect, rather than direct, purchasers. On August 4, 2023, the Indirect Purchaser Actions were consolidated under the case caption: In Re: Fragrance Indirect Purchaser Antitrust Litigation. *See In Re: Fragrance Indirect Purchaser Antitrust Litig.*, No. 23-3249(WJM)(JSA), ECF No. 16. Another four actions (the “End User Actions”), three filed in September 2023 and one filed in October 2023, seek to represent the end users of the fragrance products. *See Peychal v. DSM-Firmenich AG, et al.*, No. 23-16242(WJM)(JSA); *Elmazi v. DSM-Firmenich AG, et al.*, No. 23-16127(WJM)(JSA); *Hogan, et al. v. DSM-Firmenich AG, et al.*, No. 23-18950(WJM)(JSA); and *Skenderian, et al. v. DSM-Firmenich AG, et al.*, No. 23-21251(WJM)(JSA). This Stipulation does not cover the Indirect Purchaser Actions or the End User Actions.



23-02174(WJM)(JSA). All papers filed in the Actions shall be filed on the Docket and shall bear the caption:

IN RE: FRAGRANCE DIRECT PURCHASER ANTITRUST LITIGATION
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Civil Action No.: 23-02174(WJM)(JSA)

3. This Stipulation and Order supersedes the Timing Stipulations and provides the operative obligations of the Parties.

4. Any actions related to the Actions that are brought by direct purchasers and that are subsequently filed in or transferred to this District, or to be filed or transferred, shall be consolidated herewith.

5. Service shall be deemed complete once all Defendants have been served with the complaint in one of the above-captioned Actions.<sup>3</sup>

6. Defendants' time to answer, move, or otherwise respond to the complaints in the above-captioned Actions is suspended.

7. After the appointment of interim class counsel, Plaintiffs and Defendants shall meet and confer with respect to a schedule for Plaintiffs to file a consolidated complaint and for Defendants to answer, move, or otherwise respond to the consolidated complaint.

8. Except as to the defense of insufficiency of service of process and insufficiency of process in these Actions, no defense of any of the Defendants, including without limitation

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<sup>3</sup> The term "Defendants" refers to the Stipulating Defendants, together with Givaudan S.A., Symrise AG, Firmenich International S.A., Firmenich SA, and DSM-Firmenich AG (the "Foreign Defendants"). Counsel for the Foreign Defendants have agreed to accept service of all other complaints and subsequent filings after the complaint in one of the above-captioned Actions has been served on each of the Foreign Defendants. As of the date of this Stipulation, service upon three Foreign Defendants (Symrise AG, Givaudan S.A., and Firmenich International SA) named in *Our Own Candle Company Inc. v. Givaudan S.A., et al.*, No. 23-02174 (WJM)(JSA), has been completed. ECF Nos. 56, 57, and 58. Certain Plaintiffs named as Defendants the foreign entities DSM-Firmenich AG and Firmenich SA. These Foreign Defendants have not yet been served.

defenses based upon lack of personal jurisdiction, is prejudiced or waived by such Defendant's executing, agreeing to, joining, or filing this Stipulation.

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B & E ASSOCIATES, INC. (D/B/A  
KEYSTONE CANDLE COMPANY), OUR  
OWN CANDLE COMPANY, INC., CANDLE  
SHOPPE OF THE POCONOS, IN., DEMETER  
F.L., INC., and HANNA'S CANDLE  
COMPANY

By: /s/James E. Cecchi  
JAMES E. CECCHI

Dated: November 7, 2023

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By: /s/Linda P. Nussbaum  
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Dated: November 7, 2023

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Dated: November 7, 2023

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UNGERER & COMPANY, GIVAUDAN  
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CUSTOM ESSENCE LLC

By: /s/Kevin R. Reich  
KEVIN R. REICH

Dated: November 7, 2023

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LIZA M. WALSH

Dated: November 7, 2023

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AGILEX FLAVORS & FRAGRANCES,  
INC.

By: /s/Sean P. McConnell  
SEAN P. McCONNELL

Dated: November 7, 2023

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By: /s/Hilary Scherrer  
HILARY SCHERRER

INTERNATIONAL FLAVORS &  
FRAGRANCES, INC.

Dated: November 7, 2023

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CANDLE SHOPPE OF THE POCONOS, INC.

By: /s/Tansy Woan  
TANSY WOAN

Dated: November 7, 2023

By: /s/Robert D. Liebenberg  
ROBERTA D. LIEBENBERG

Dated: November 7, 2023

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CANDICE J. ENDERS

Dated: November 7, 2023

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ERIC T. KANEFSKY

Dated: November 7, 2023

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MICHAEL EISENKRAFT

Dated: November 7, 2023

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By: /s/Daniel L Brockett  
DANIEL L. BROCKETT

Dated: November 7, 2023

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YOSH HAN

By: /s/Jason Lichtman  
JASON LICHTMAN

Dated: November 7, 2023

SO ORDERED this 7th day of November, 2023

s/Jessica S. Allen  
JESSICA S. ALLEN, U.S.M.J.